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ESSAY

Somebody Is Lying

By William Safire

WASHINGTON, May 24 — William J. Casey, our Director of Central Intelligence, is thought to be deceptive by a couple of Congressional committee chairman. Has Mr. Casey, with credentials as a master spy, been doing some unauthorized lying?

First, a declaration of bias: Twenty years ago, I handled Bill Casey's campaign for Congress on Long Island. We lost. (I took him to a speech teacher to get over the mumbles; the speech teacher wound up mumbling.)

Last month, Barry Goldwater, chairman of the Senate Intelligence Committee, castigated the C.I.A. boss for not advising him of the covert mining of Nicaraguan harbors. Mr. Casey replied that he had done so in testimony on two occasions. However, the specific quotation was secret, so we could not tell if he lied.

After some needling, Senator Goldwater declassified the pregnant sentence and sent it to me with a note: "... tell me if you think they adhere completely to the legal requirements that the C.I.A. keep us completely informed on covert matters."

The C.I.A.'s secret sentence: "Magnetic mines have been placed in the Pacific harbor of Corinto and the Atlantic harbor of El Bluff, as well as the oil terminal at Puerto Sandino."

Senator, that seems pretty straightforward to me. Complete? Of course not — but enough to open a line of questioning. And there may well have been an obligation to advise the Senate beforehand. Nobody was perfect in this, but Mr. Casey cannot be made out to be a liar in what he said in testimony or about that testimony later.

Comes now Representative Don Albosta of the House subcommittee looking into the theft of Carter briefing papers by the Reagan campaign staff, which gave Mr. Reagan an unfair advantage over President Carter in their first debate.

James Baker, now White House Chief of Staff, has a "best recollection" that William Casey gave him the Carter briefing book, and Mr. Baker's loyal aide, not surprisingly, says she remembers him telling her that. Mr. Casey asserts he remembers nothing of the sort, and says he would not have touched such a document with the proverbial ten-foot pole. Somebody up there is lying.

Representative Albosta, in a 3,400-page document, concludes that the "better evidence indicates" that Mr. Casey was the liar. A campaign memo casts doubt on Mr. Casey's assurance that he never sought information from inside the Carter campaign. A minority report dissents. Where is Truth?

We will not find out from Congress. At his own moment of truth months ago, Mr. Albosta choked up. Against the advice of his special counsel, James Hamilton, the chairman decided against holding hearings. That meant that no witnesses were placed under oath and interrogated under threat of perjury; instead, tame affidavits were accepted.

Nor will we find the truth from this Justice Department. The F.B.I. did not investigate at the Carter end as thoroughly as the Albosta committee did. The F.B.I.'s "302" report of an interview with Lloyd Cutler failed to discover that the President's counsel had given an oral opinion that the briefing book was a Presidential document that could be worked on by Government employees. But the Reagan Justice Department, seeking to show that no Government property was stolen, asserted the opposite.

Will we ever get the truth in the courts? Federal District Judge Harold Greene has ruled that the Attorney General has violated the Ethics in Government Act by refusing to name a special prosecutor in a case that shouts perjury in high places. Attorney General Smith, in the grand tradition of loyalty before honor, is taking the case to a higher court, knowing that the case will not be considered until September or decided until months after that. William French Smith, devotedly dragging a foot, has effectively put off any appointment of independent counsel until after the Presidential election.

Belatedly, many observers are discovering that "Briefinggate" was not last year's midsummer media madness. Bill Casey's friends say that too much emphasis has been put on how the papers were obtained, and not on the unfair use to which they were avidly put — as the Albosta report demonstrates — by the Baker debate operation. But the potential crime was the theft, probably from the National Security Council, and not the use, which was merely corrupt.

Review the wrongdoing: (1) a key document was "pilfered," in David Stockman's word, and turned out to be, as he said, "of great use" in defeating a candidate. (2) One of the two highest campaign officials lied in an affidavit about how it was obtained. (3) The Justice Department refused to turn this obviously conflicting interest over to a special prosecutor. (4) The investigating committee flinched at the prospect of examining witnesses under oath in front of cameras.

We are left only with the certainty that somebody in a position of great power is a powerful liar. Bill Casey twists, neither convicted nor cleared. What could have forced the cracking of this case was a little less press cynicism and a little more public outrage.